

BECKER'S FINAL APPEAL IN U. S. COURT IS LOST

FINAL
EDITION

The



World.

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BERLIN DEFENDS SINKING OF LUSITANIA, EVADES WILSON'S DEMANDS, IN NEW NOTE.

JUSTICE HUGHES REFUSES BECKER'S LAST APPLICATION FOR REVIEW IN U. S. COURT

In Denying Writ of Error Jurist Declares Federal Questions Are Not Involved—May Now Demand Writ of Habeas Corpus.

RANGELEY, Me., July 10.—The application which was made yesterday to Justice Charles E. Hughes of the Supreme Court of the United States, who is summering here, for a writ of error in the case of ex-Lieut. Charles Becker, convicted of instigating the murder of Herman Rosenthal, New York gambler, was denied today on the ground that there was no substantial Federal question involved. Becker is under sentence to die in the electric chair at Sing Sing the week of July 26.

W. Bourke Cockran, counsel for Becker, who made the application, left here at 12.30 P. M. for New York without giving out any statement.

Mrs. Charles Becker was notified of the decision of Justice Hughes by a reporter for The Evening World. After a brief silence she said: "I have no comment to make on the decision."

Under orders from Mr. Cockran none of the lawyers associated with him in the case would make any statement as to the possibility of further moves in the case.

When District Attorney Charles A. Perkins heard that Justice Hughes had denied the application he said: "The matter has not been in our office for some time. I have absolutely no comment to make."

LAWYER SAYS BECKER "AS FRAMED-UP."

John F. McIntyre, who was once counsel for Becker, said: "I had not heard the news. I deeply regret to learn of it. I feel now, as I always did, that Becker is innocent and that he is the victim of a frame-up at the hands of Rose, Weber, Vallon and Schepps. Further than that I have no comment to make."

Although Mr. McIntyre withdrew from the Becker case some time ago he recently came forward with an offer of legal assistance for the condemned man in his gut to escape death in the electric chair.

Neither Joseph A. Shay nor Martin T. Manton, former attorneys for Becker, could be found at their law offices.

MAY GO TO OTHER UNITED STATES COURT JUDGES.

It is within the province of Becker's lawyers to make other applications for writs of error to other Justices of the United States Supreme Court, but it is considered unlikely, as the decision of Justice Hughes, who is in charge of the New York Circuit, is not likely to be controverted by a decision from the Justice in charge of another district.

Before the writ of error was sought Becker's lawyers had planned, in case of its failure, immediately to apply for a writ of habeas corpus. There is very slight hope of accomplishing anything by this except to get the records of the case again into court and attempt to review the case with the idea of attacking Becker and raising a doubt in the public mind as to his guilt.

It is expected this move will be made and following it will come the eleventh hour appeal to public opinion, with a flood of attacks against Jack Rose and the other witnesses against the condemned lieutenant.

ALBANY, N. Y., July 10.—Governor Whitman would make no comment today regarding Justice Hughes' action.

"I can only say that I shall be ready at all times to hear any appeal that counsel or friends of Becker may desire to make to me," he declared.

\$100,000 PLUNDER CARRIED OFF BY TRAIN BANDITS?

Report That Robbers Escape With Fortune From New York and New Orleans Flyer.

FOUR IN DARING HOLDUP

Mail Clerk Bound and Left in Woods—Conductor Dies of Fright—Three Arrests.

MONTGOMERY, Ala., July 10.—The Louisville and Nashville's New York and New Orleans limited train was held up and robbed shortly before 9 o'clock this morning by four masked men near Greenville, Ala., sixty miles south of here.

Estimates of the plunder secured by the robbers were from \$35,000 up to \$100,000.

Phil McRae, conductor, stricken with heart disease in the excitement died sitting on the steps of one of the cars.

The engine, express and mail cars were cut from the train and run down the track some distance. The bandits robbed the express and mail cars and started the engine down the track wild. Railroad officials learned of the hold-up when the wild engine came to a stop for lack of steam near Garland, Ala., forty miles beyond Greenville.

Officials in charge of the investigation declare the robbers escaped in a waiting automobile. The chief mail clerk on the train was left bound in the woods.

Three suspects have been arrested.

ADRIATIC HAD STRONG CONVOY IN WAR ZONE

Accompanied by Destroyers from the Edge of It All the Way Liverpool.

LONDON, July 10.—Because of reports that submarines were waiting for her the White Star liner Adriatic was convoyed by British destroyers from the moment she entered the war zone off the Irish Coast until she reached Liverpool, it was learned here today.

Some of her officers complained that the Admiralty did not give the line advance information that she was to receive an escort. Had this been done, they said, the liner would have carried her full complement of passengers.

MUNITIONS SHIP SAILS.

Leaves 300 Passengers to Take On 250 War Horses.

The La Veloce liner Stampalia sailed this afternoon for Italy. Off the Statue of Liberty she stopped long enough to take on 250 horses for the Italian army. She carried ten first cabin passengers, sixty second cabin passengers and 800 steerage passengers.

Upward of 300 steerage passengers were left behind to make room for the horses.

INDIANAS SEE LIBERTY MORE.

DENVER, Col., July 10.—More than a dozen American Indians, who came here from remote reservations, were among the first to view the Liberty Bell when it arrived in Denver early today on its journey to the Pacific Coast. The redskins, gray in blankets and feathers, gazed silently at the bell and solemnly shook hands with the Philadelphia guards.

BANK OF GERMANY'S GOLD INCREASE.

BERLIN, July 10 (via London).—The statement of the Imperial Bank of Germany, issued July 7, shows an increase in gold of 2,224,000 marks (\$5,000,000) and in treasury bills of 2,000,000 marks (\$7,000,000).

Racing Results and Entries

FAVORITE PLAYERS GET OFF TO A GOOD START AT AQUEDUCT

Nanovia, 8 to 5 Favorite, Gets Home a Half Length in Front.

AQUEDUCT RACE TRACK, July 10.—A big Saturday crowd was at the track this afternoon. It was of handicapped proportions. Weather conditions were perfect for both man and horse.

The card provided a steep climb, always popular with racegoers; the \$3000 Tremont for two-year-olds and the \$1500 Brookdale Handicap for three-year-olds and upward, drawing out Roamer, Stromboli, Rock View and The Finn.

FIRST RACE.

For three-year-olds and upward, starting at 2.30. Time, 1:14.3. Start good. Won driving place. Winner, Nanovia, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Second place, Rock View, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Third place, Stromboli, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Fourth place, The Finn, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Fifth place, Roamer, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

SIXTH RACE.

For three-year-olds and upward, starting at 3.15. Time, 1:14.3. Start good. Won driving place. Winner, Nanovia, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Second place, Rock View, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

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Fifth place, Roamer, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

SIXTH RACE.

For three-year-olds and upward, starting at 4.15. Time, 1:14.3. Start good. Won driving place. Winner, Nanovia, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Second place, Rock View, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

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SIXTH RACE.

For three-year-olds and upward, starting at 5.15. Time, 1:14.3. Start good. Won driving place. Winner, Nanovia, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Second place, Rock View, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Third place, Stromboli, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

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SIXTH RACE.

For three-year-olds and upward, starting at 6.15. Time, 1:14.3. Start good. Won driving place. Winner, Nanovia, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Second place, Rock View, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

Third place, Stromboli, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

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Fifth place, Roamer, by Fair Play, Miss Hamma, Owner, Quincy Stable, Trainer, S. J. Lawler.

GERMANY'S REPLY IS RESENTED BY PRESS OF NATION

"No Safety for Americans Unless We Obey Berlin," Says Brooklyn Eagle.

'INSOLENT AND EVASIVE.'

Chicago Journal Says It Repeats Slander of Lusitania Being Armed.

The German reply to President Wilson's second note was editorially commented upon today throughout the United States. Excerpts from some of the newspapers follow:

The Brooklyn Eagle—The President has chartered his course. In the name of humanity and more particularly in behalf of the people of the United States he has said he regards as established beyond question, the principle that the lives of non-combatants cannot lawfully or rightfully be put in jeopardy. He has asked for assurance that this will be done.

And what is the answer? It is that Germany is willing to order her submarine commanders to refrain from murder on the high seas, conditionally. It is in effect that there will be safety for American lives only if we comply with rules and regulations drawn up at Berlin. For failure to comply, death.

The Imperial Government has been told that should necessarily arise certain principles will be put into practice irrespective of the vicissitudes to which submarines may be subjected; necessity for repetition of that statement in positive, in final terms, has arisen. It is not for the Imperial Government to "protect" the people of the United States as a reward for obedience to orders. We have asked for no favors, special or general. It is not thinkable that acceptance of them will be debated at Washington.

The New York Globe—Germany's reply to the second Lusitania note is as unsatisfactory as her reply to the first. There is evasion of the simple issue as to whether Germany intends to violate international law of American citizens. The failure of Germany, although twice interrogated, to make a definite disclaimer of such purpose is most discouraging to all who have labored to preserve unimpaired the historic good relations between Germany and the United States.

The German reply to President Wilson's remonstrances against the abduction of submarine raiding as practiced by the Kaiser's navy, would

(Continued on Second Page.)

NEW RULES OF THE SEA IMPOSED BY GERMANS IN UNSATISFACTORY REPLY

New Note Calls on the United States to "Certify" Ships and Makes No Mention of Demand for Search Before Attack.

SAYS U. S. MAY USE FOUR "ENEMY" SHIPS IN TRADE.

BERLIN, July 10.—The text of Germany's reply to the American note regarding the sinking of the Lusitania and submarine warfare methods was given to the public here today. An unofficial translation of the official text follows:

TEXT OF GERMANY'S REPLY.

BERLIN, July 8.

The undersigned has the honor to make the following reply to His Excellency Ambassador Gerard to the note of the 10th ultimo re the impairment of American interests by the German submarine war. The Imperial Government learned with satisfaction from the note how earnestly the Government of the United States is concerned in seeing the principles of humanity realized in the present war. Also this appeal finds ready echo in Germany, and the Imperial Government is quite willing to permit its statements and decisions in the present case to be governed by the principles of humanity just as it has done always.

The Imperial Government welcomed with gratitude when the American Government in the note of May 15 itself recalled that Germany had always permitted itself to be governed by the principles of progress and humanity in dealing with the law of maritime war.

Since the time when Frederick the Great negotiated with John Adams, Benjamin Franklin and Thomas Jefferson the treaty of friendship and commerce of Sept. 9, 1785, between Prussia and the Republic of the West, German and American statesmen have, in fact, always stood together in the struggle for the freedom of the seas and for the protection of peaceful trade. In the international proceedings which since have been conducted for the regulation of the laws of maritime war Germany and America have jointly advocated progressive principles, especially the abolishment of the right of capture at sea and the protection of the interests of neutrals.

Even at the beginning of the present war the German Government immediately declared its willingness, in response to proposals of the American Government, to ratify the Declaration of London and thereby subject itself in the use of its naval forces to all the restrictions provided therein in favor of neutrals.

Germany likewise has been always tenacious of the principle that the war should be conducted against the armed and organized forces of an enemy country, but that the enemy civilian population must be spared as far as possible from the measures of war. The Imperial Government cherishes the definite hope that some way will be found when peace is concluded, or perhaps earlier, to regulate the law of maritime war in a manner guaranteeing the freedom of the seas, and will welcome it with gratitude and satisfaction if it can work hand in hand with the American Government on that occasion.

If in the present war the principles which should be the ideal of the future have been traversed more and more, the longer its duration, the German Government has no guilt therein. It is known to the American Government how Germany's adversaries, by completely paralyzing peaceful traffic between Germany and neutral countries, have aimed from the very beginning, and with increasing lack of consideration, at the destruction, not so much of the armed forces as the life of the German nation, repudiating in doing so all the rules of international law and disregarding all rights of neutrals.

On Nov. 3, 1914, England declared the North Sea a war area, and by planting poorly anchored mines and by the stoppage and capture of vessels made passage extremely dangerous and difficult for neutral shipping by actually blockading neutral coasts and ports, contrary to all international law. Long before the beginning of submarine war England practically completely intercepted legitimate neutral navigation to Germany also. Thus Germany was driven to a submarine war on trade.

On Nov. 14, 1914, the English Premier declared in the House of Commons that it was one of England's principal tasks to prevent food for the German population from reaching Germany via neutral ports. Since March 1st, England has been taking from neutral ships without further formality all merchandise proceeding to Germany, as well as all merchandise coming from Germany, even when neutral property. Just as it was also with the Boers, the German people is now to be given the choice of perishing from

AMERICAN MARINES LANDED IN HAYTI

Force From Cruiser Washington Sent Ashore to Protect Foreigners During Rebel Fighting.

WASHINGTON, July 10.—American marines have been landed at Cape Haytien, Hayti, to protect foreigners and prevent fighting between revolutionists and Government troops. Admiral Caperton notified the Navy Department today. One officer and twenty-nine men were put ashore from the cruiser Washington. It was stated, and the sunboat Eagle was moved close to shore to support them.

Revolutionists are still in the town's vicinity, said Caperton. The Haytien gunboat Pacificque fired a few shots at them from off shore this morning and indications were that fighting would be resumed soon.

TWO ARE FOUND IN BAY.

Grandson of Editor and Chauffeur Are Drowned at Ocean Side.

ROCKVILLE CENTRE, L. I., July 10.—The bodies of Robert H. Hines, chauffeur for George H. Hines, who publishes the Custom House News, and that of Hines' twelve-year-old grandson, Frank Marshall, were found today in the bay at Ocean Side. Hines, who was twenty years of age, took Marshall on a fishing trip yesterday morning. The boat was found late yesterday overturned.

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